

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

<b>IN RE ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION</b>	<b>Master File No. 2:12-MD-02327</b>
<b>THIS DOCUMENT RELATES TO: Cases Listed in Exhibit A</b>	<b>MDL No. 2327</b>  <b>JOSEPH R. GOODWIN U.S. DISTRICT JUDGE</b>

**DEFENDANTS' MOTION TO DISMISS CASES FILED AFTER PTO # 304**

Pursuant to Federal Rule of Civil Procedure 12(b), Defendants Ethicon, Inc., and Johnson & Johnson move to dismiss all suits initiated after this Court's order of June 21, 2018, Pretrial Order No. 304 ("PTO # 304"). In PTO # 304, this Court "**ORDER[ED]** that plaintiffs may no longer direct file claims against Ethicon, Inc. or Johnson & Johnson or any related entities in the Ethicon MDL . . . or in any other pelvic mesh MDL assigned to the court." (MDL Doc. 6033, PTO # 304, at 1 (emphasis in original); *see also* MDL Doc. 6031, Minute Order Suspending Rule 7.1(a) (ordering that cases no longer be transferred to MDL 2327)). Despite this order, a number of plaintiffs have since filed claims in the MDL:

<b>Plaintiff(s)</b>	<b>Case Number</b>	<b>Filing Date</b>
Breen, Susan	2:18-cv-01275	August 31, 2018
Bowers, Joanne M.	2:19-cv-00164	March 8, 2019
Deshon, Ellen	2:19-cv-00266	April 11, 2019
Gonzalez, Diana & Robert	2:18-cv-01295	September 14, 2018
Hall, Phyllis K. & Patrick	2:18-cv-01146	July 13, 2018
Harrington, Jill	2:19-cv-00299	April 19, 2019
Renteria, Marie	2:18-cv-01550	December 31, 2018
Turner, Christie	2:18-cv-01551	December 31, 2018

(Exhibit A, List of Cases). Because these cases were filed after this Court's order that no more claims may be filed in the MDL, they are due to be dismissed Without Prejudice.

Respectfully submitted,

/s/ William M. Gage

William M. Gage (MS Bar No. 8691)  
Butler Snow LLP  
1020 Highland Colony Parkway  
Suite 1400 (39157)  
P.O. Box 6010  
Ridgeland, MS 39158-6010  
(601) 985-4561  
[william.gage@butlersnow.com](mailto:william.gage@butlersnow.com)

/s/ Susan M. Robinson

Susan M. Robinson (W. Va. Bar No. 5169)  
Thomas Combs & Spann PLLC  
300 Summers Street  
Suite 1380 (25301)  
P.O. Box 3824  
Charleston, WV 24338  
(304) 414-1800  
[srobinson@tcspllc.com](mailto:srobinson@tcspllc.com)

COUNSEL FOR DEFENDANTS  
ETHICON, INC., JOHNSON & JOHNSON, AND  
ETHICON, LLC

**CERTIFICATE OF SERVICE**

I certify that on on this date I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

/s/ William M. Gage  
COUNSEL FOR DEFENDANTS

**EXHIBIT A**

<b>Plaintiff(s)</b>	<b>Case Number</b>	<b>Filing Date</b>
Breen, Susan	2:18-cv-01275	August 31, 2018
Bowers, Joanne M.	2:19-cv-00164	March 8, 2019
Deshon, Ellen	2:19-cv-00266	April 11, 2019
Gonzalez, Diana & Robert	2:18-cv-01295	September 14, 2018
Hall, Phyllis K. & Patrick	2:18-cv-01146	July 13, 2018
Harrington, Jill	2:19-cv-00299	April 19, 2019
Renteria, Marie	2:18-cv-01550	December 31, 2018
Turner, Christie	2:18-cv-01551	December 31, 2018